

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

**JONATHAN COOPER and HEATHER
COOPER,**

Plaintiffs,

v.

TONI GATES,

Defendant.

Civil Action No. **3:16-cv-2630-L**

ORDER

Before the court is Defendant's Motion to Dismiss (Doc. 8), filed November 10, 2016. On March 7, 2017, United States Magistrate Judge Paul D. Stickney entered the Findings, Conclusions, and Recommendation of the United States Magistrate Judge ("Report"), recommending that the court grant in part and deny in part Defendant's Motion to Dismiss; deny Plaintiffs' request for attorney's fees as premature; and dismiss without prejudice Plaintiffs' withdrawn conversion claim. No objections were filed to the Report.

Having reviewed the motion, record, applicable law, and Report, the court determines that the findings and conclusions of the magistrate judge are correct, and **accepts** them as those of the court. Accordingly, the court **grants** Defendant's Motion to Dismiss with respect to Plaintiffs' fraudulent inducement and promissory estoppel claims, and the court **dismisses with prejudice** these claims; **denies** the motion with respect to Plaintiffs' breach of contract, unjust enrichment, and money had and received claims; **denies** Plaintiffs' request for attorney's fees; and **dismisses**

without prejudice Plaintiffs' conversion claim. Plaintiffs' claims for breach of contract, unjust enrichment, and money had and received remain for trial.*

It is so ordered this 11th day of August, 2017.



Sam A. Lindsay
United States District Judge

* Although the Report refers to unjust enrichment and money had and received as claims, they are more appropriately characterized as equitable remedies or relief.